Case 1:08-cr-00429-DLC Document 11 Filed 10/14/08 Page 1 of 2

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
	X
THE UNITED STATES OF AMERICA,	:
	NOTICE OF MOTION
-against-	Ind. No. 08 Cr. 429 (DLC)
CARLOS PICHARDO,	;
Defendant.	:
	X

SIRS:

PLEASE TAKE NOTICE that upon the annexed affidavit of the defendant, CARLOS PICHARDO, duly sworn to the 8th day of October, 2008, the affidavit of DAVID J. GOLDSTEIN, ESQ., sworn to the 8th day of October, 2008, and upon all of the pleadings and proceedings heretofore had herein, the undersigned will move this Court before the Honorable Denise L. Cote, USDJ, at the Courthouse located at 500 Pearl Street, in the City, County and State of New York, on a date and at a time to be fixed by the Court, for an order:

- 1. Pursuant to Rule 12 of the Federal Rules of Federal of Criminal Procedure, suppressing and all physical evidence seized from the defendant's vehicle at the time of his arrest upon the grounds that any such evidence was obtained in violation of the rights afforded the defendant by the Fourth Amendment to the United States Constitution; and
- 2. Pursuant to Rule 12 of the Federal Rules of Federal of Criminal Procedure, suppressing and all statements made by the defendant upon the grounds that any such statement was obtained in violation of the rights afforded the defendant by the Fifth and Sixth Amendments to the United States Constitution; and

Case 1:08-cr-00429-DLC Document 11 Filed 10/14/08 Page 2 of 2

3. For such other and further relief as to this Court may seem reasonable and proper.

Dated: The Bronx, New York

October 8, 2008

GOLDSTEIN & WEINSTEIN

Attorneys for defendant 888 Grand Concourse Bronx, New York 10451

Tel. No. (718) 665-9000

By:

DAVID J. GOLDSTEIN

TO: HON. MICHAEL J. GARCIA United States Attorney Southern District of New York 1 St. Andrews Plaza New York, New York 10007

Att: A.U.S.A. Adam S. Hickey